

**U.S. District Court for the Southern District of Mississippi,
Case 1:15-cv-00382-HSO-JCG**

**Declaration of Charles L. Leary
supporting his brief in opposition to Handshoe's
Motion to Compel Deposition**

1. I am Charles L. Leary, a United States citizen resident in Canada, and defendant in the above-captioned action filed by Plaintiff Douglas K. Handshoe.
2. I have not been resident at 140 Trout Point Road since at least late November, 2017. Trout Point Lodge operates seasonally.
3. On November 28, 2017, I wrote to Douglas Handshoe and proposed that service of discovery requests and notices occur by electronic means as permitted by the Federal Rules of Civil Procedure. Mr. Handshoe immediately refused that proposal and insisted on service by mail. A true copy of that email exchange is attached hereto as Exhibit "A."
4. On December 8, 2017, I wrote by email to Douglas Handshoe and informed him of a change of my mailing address for purposes of this case. Mr. Handshoe immediately acknowledged receipt of that change of address. A true copy of that email exchange is attached hereto as Exhibit "B."
5. On or around December 14, 2017, I filed papers with the court that included the change of address to Vancouver, British Columbia, Canada.
6. Around December 15, 2017, contracted the flu and was very sick. That illness lasted for about one month.
7. I have employed a professional service to receive, open, scan, and email me any mail received at my new address in my absence. I have received correspondence from the court at that address but nothing, ever, from Mr. Handshoe.
8. I am currently outside of North America. I work in the travel and tourism industry.
9. I have never received any Notice of Deposition from Mr. Handshoe. I have also never received any discovery requests whatsoever from Mr. Handshoe, including interrogatories, requests for admission, or requests for production.
10. I have never received notice of a Motion to Compel my deposition, which Mr. Handshoe has told me by email he filed with the court of February 12, 2018.
11. I traced the mail that Mr. Handshoe says was received by me on February 2, 2018 with U.S. Postal Service tracking number RA172893478US. I was not in Nova Scotia or Canada on February 2, 2018. I never received or signed for this mail, which was addressed to my old postal address in Nova Scotia, not my correct address in British Columbia.
12. A printout of Canada Post tracking information for mail with U.S.P.S. tracking number RA172893478US is attached hereto as Exhibit "C." As far as I can tell, this item was never entered into the Canada Post system.
13. I see that Mr. Handshoe has not provided a proof of signature for the delivery and that the item that was delivered is not identified. The person the mail was delivered to is also not identified. There is no name.
14. Attached hereto as Exhibit "D" are true copies of other relevant email correspondence

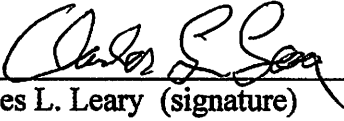
Subject: change of address

[Quoted text hidden]

between myself and Mr. Handshoe.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2018 (date).



Charles L. Leary (signature)